

PROB 12C
(7/93)

Report Date: December 28, 2015

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 30 2015

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Austin K. Mesplie

Case Number: 0980 2:09CR02050-LRS-1

Address of Offender:

Wapato, Washington 98951

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: March 4, 2010

Original Offense: Crime on Indian Reservation, Assault With Intent to Commit Murder, 18 U.S.C. § 1153 and 113(a)(1)

Original Sentence: Prison - 74 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: TBD

Date Supervision Commenced: May 8, 2015

Defense Attorney: Federal Defenders Office

Date Supervision Expires: May 7, 2018

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number **Nature of Noncompliance**

- 1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Mesplie was arrested and charged with disorderly conduct by the Yakama Nation Police Department, case number 15-007734 on October 31, 2015.

This matter is still pending.

- 2 **Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Mr. Mesplie was found to be under the influence of alcohol on October 31, 2015.

According to the Yakama Nation Police Department narrative report, Mr. Mesplie was found under the influence of alcohol on October 31, 2015. Mr. Mesplie submitted to a voluntary breathalyzer test which resulted in a .288 blood alcohol level reading.

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- 3 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mesplie used methamphetamine on December 13, 2015.

On December 14, 2015, this officer spoke with Mr. Mesplie over the telephone. Mr. Mesplie self reported he used methamphetamine on December 13, 2015.

- 4 **Special Condition # 18:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Mesplie used alcohol on December 13 and 14, 2015.

On December 14, 2015, this officer spoke with Mr. Mesplie over the telephone. Mr. Mesplie stated he wanted to be honest with this officer and reported he has been drinking all day. He went on to report that he was also drinking all day on December 13, 2015.

- 5 **Special Condition # 16:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Mesplie failed to attend Moral Recognition Therapy (MRT) at Merit Resource Services (Merit) on December 15, 2015.

According to Merit staff, Mr. Mesplie failed to show for his MRT class on December 15, 2015. The counselor did state that Mr. Mesplie did call to report he had no transportation. However, the MRT program does not accept having no transportation as an excused absence. The MRT program is part of Mr. Mesplie's drug and alcohol treatment program.

- 6 **Special Condition # 21:** You shall participate in the home confinement program for 60 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising officer.

Supporting Evidence: Mr. Mesplie failed to comply with his electronic monitoring program by leaving his residence without permission on December 25, 2015.

On December 25, 2015, Mr. Mesplie left his residence without permission. Mr. Mesplie was not located and has yet to return. According to a family member from the residence where he was living reported that Mr. Mesplie's brother and sister came to the residence and they began drinking alcohol. It was reported that Mr. Mesplie allegedly assaulted his girlfriend before leaving his residence.

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The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

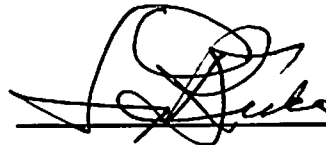
Executed on: December 28, 2015

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

12/30/15

Date